

DOCKET NO: 292589US40PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
YOSHIHIKO SENO, ET AL. : EXAMINER: DUONG, THO V
SERIAL NO: 10/590,202 :
FILED: AUGUST 22, 2006 : GROUP ART UNIT: 3744
FOR: HEAT EXCHANGER AND REFRIGERANT :
PASSAGE PORTION CONNECTING STRUCTURE
FOR REFRIGERATION CYCLE

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Election of Species Requirement stated in the Official Action dated March 18, 2010, Applicants provisionally elect Species A of figures 1-4, and identify Claims 1-14 as readable on the elected species.

Applicants respectfully traverse the outstanding election requirement for the following reason.

MPEP §803 states the following:

If the search and examination of all the claims in an application can be made without serious burden, the Examiner must examine them on the merits, even though they include claims to independent or distinct inventions.

In the present application, Claims 1-9 are directed to heat exchangers; Claims 10 and 12 to refrigeration cycles including a heat exchanger; Claims 11 and 13 to vehicles having a refrigeration cycle; Claim 14 to a process for fabricating a heat exchanger; and Claims 15-24 to refrigerant passage portions connecting structure for a refrigeration cycle. Hence, it

appears that all the claims in the present application are part of an overlapping search area and that a search for Claims 1-14 would necessarily include a search directed to Claim 15-24 as well. It is therefore believed that there is no undue burden on the Examiner to search all claims under MPEP §803, and Applicants respectfully traverse the Election of Species Requirement on the grounds that a search and examination of all the claims in the present application would not place a *serious* burden on the Examiner.

Accordingly, it is respectfully requested that the requirement to elect a single disclosed species be withdrawn, and that a full examination on the merits of each of Claims 1-24 be conducted.

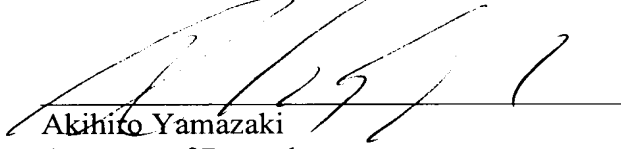
Respectfully submitted,

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